

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DORA AMPONG,

Civil Action No.:

Plaintiff,

-against-

COSTCO WHOLESALE CORP.,

Defendant.

NOTICE OF REMOVAL

Bronx County
Index No.:
34819/2020E

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**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK:**

Defendant, COSTCO WHOLESALE CORPORATION s/h/a COSTCO
WHOLESALE CORP ("Costco"), by its attorneys, SIMMONS JANNACE
DELUCA, LLP, upon information and belief, respectfully petitions
the Court, pursuant to 28 U.S.C. § 1441, as follows:

1. On or about December 8, 2020, the above-captioned
civil action was commenced and is now pending in the Supreme
Court of the State of New York, County of Bronx. A trial has
not yet been had therein. A copy of the Summons and Verified
Complaint is annexed hereto as **EXHIBIT "A"**. On or about
February 9, 2021, defendant served its Verified Answer to
plaintiff's Verified Complaint, a copy of which is annexed
hereto as **EXHIBIT "B"**.

2. The action seeks monetary damages for personal
injuries allegedly suffered by plaintiff, Dora Ampong, while she
was inside the Costco warehouse located at 1 Westchester Avenue,

Port Chester, New York 10573. The plaintiff's complaint sounds in negligence.

3. The action involves a controversy between citizens of different states, in that: (a) plaintiff is a citizen of the State of New York; and (b) Costco Wholesale Corporation is now, and was at the time the action was commenced, a corporation incorporated in the State of Washington, with its principal place of business in the State of Washington.

4. Accordingly, there is complete diversity between defendant and plaintiff and this action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332.

5. In addition, the amount in controversy exceeds \$75,000. On February 25, 2021, defendant received plaintiff's Response to Combined Demands, wherein plaintiff claims damages in the amount of \$5,000,000. A copy of this response is annexed hereto as **Exhibit "C."**

6. This Notice of Removal is being timely filed within 30 days of receipt of plaintiff's discovery response, declaring that the amount in controversy exceeds \$75,000.

7. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice.

8. A true and correct copy of this Notice of Removal will

be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Bronx, promptly after the filing of this Notice.

10. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

11. By filing this Notice of Removal, defendant does not waive any defense which may be available to it, specifically including, but not limited to, its right to contest *in personam* jurisdiction over defendant, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

WHEREFORE, defendant prays that the above-captioned action now pending in the Supreme Court in the State of New York, County of Bronx, be removed therefrom to this Court.

Dated: Hauppauge, New York
March 9, 2021

Yours, etc.

SIMMONS JANNACE DELUCA, LLP

By: _____

Sal F. Deluca

Attorneys for Defendant

COSTCO WHOLESALE CORPORATION s/h/a
COSTCO WHOLESALE CORP.

Office & P.O. Address

43 Corporate Drive

Hauppauge, New York 11788

(631) 873-4888

TO: MIRMAN, MARKOVITS & LANDAU, P.C.
Attorneys for Plaintiff
291 Broadway - 6th Floor
New York, New York 10007
(212) 227-4000
File No.: 214680